

**MOSER  
PATTERSON &  
SHERIDAN, LLP**

ATTORNEYS AT LAW

3040 Post Oak Blvd, Suite 1500  
Houston, TX 77056-6582  
TEL 713.623.4844  
FAX 713.623.4846  
WWW.MPSLLP.COM

## FACSIMILE COVER SHEET

**DATE:** September 10, 2004  
**FILE NO:** ROC920010108US1  
**TO:** Examiner Hoang Nguyen  
**FAX NO:** 703/872-9306  
**COMPANY:** USPTO  
**FROM:** Gero G. McClellan  
**PAGE(S) with cover:** 10  
**ORIGINAL TO FOLLOW?** ☐ YES ☒ NO

### RESPONSE TO OFFICE ACTION DATED JUNE 17, 2004

**U.S. SERIAL NO.:** 09/912,975  
**FILING DATE:** July 25, 2001  
**INVENTOR:** Birkholz et al.  
**EXAMINER:** Hoang Nguyen  
**GROUP ART UNIT:** 2122  
**CONFIRMATION NO.:** 6558

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PATENT

Atty. Dkt. No. ROC920010108US1

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Birkholz et al.

Serial No.: 09/912,975

Confirmation No.: 6558

Filed: July 25, 2001

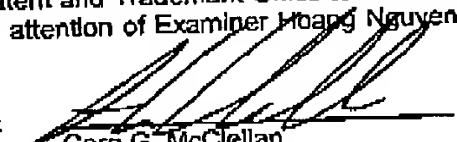
For: Method and Apparatus for  
Automating Software Upgrades

Group Art Unit: 2122

Examiner: Nguyen, H.

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MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF FAX 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to fax number 703/872-9306 to the attention of Examiner Hoang Nguyen on the date below:	
September 10, 2004 Date	 Gero G. McClellan

Dear Sir:

## RESPONSE TO OFFICE ACTION DATED JUNE 17, 2004

In response to the Office Action dated June 17, 2004, having a shortened statutory period for response set to expire on September 17, 2004, please enter this response and reconsider the claims pending in the application for reasons discussed below. The Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465, the fee of \$86.00 for one (1) additional independent claim and for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Remarks/Arguments begin on page 7 of this paper.

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